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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,789	02/08/2002	Walter Kraft	031211-069	3023
7590	01/12/2005		EXAMINER	
Patrick C. Keane BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			BAYAT, ALI	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/067,789	Applicant(s) KRAFT, WALTER	
	Examiner Ali Bayat	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13 and 19-27 is/are rejected.
- 7) ☒ Claim(s) 10, 12 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is directed to non-statutory subject matter. Because the terminology "computer program" alone has no set definition. The following claim formats are acceptable and not subject to 101 rejection "A computer program embodied in a computer readable medium for performing the steps of ..." and "A computer readable medium storing a program for performing the steps of ...". See MPEP 2106.

Claim 21 is rejected because it depends to rejected claim 20.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "the frequency distribution of the at least one image property is determined" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9,11, 13, 19 and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al. (US 2002/0034336 A1).

In regard to claim 1, Shiota provides for a process for the location dependent correction of photographic image data (Fig.1 element 22, paragraph 81 lines 8-11) which represent a photographic image with a multitude of image elements (Fig.1 element 13 paragraph 86 lines 1-6), comprising the steps of: a) determining a correction mask (Fig.1 element 53 paragraph 86 lines 5-9, not MTX which corresponds to a mask) with a multitude of correction elements based on the photographic image data to be corrected (Fig.1 element 13, paragraph 86 lines 1-6), whereby the correction elements(Fig.1 elements 53 and 55 paragraph 86 lines 5-16) are assigned to the image elements (Fig.1 element 13 paragraph 86 lines 1-6) and, for the image data corresponding to the image elements, define correction changes which correspond to changes to at least one image property (Fig.1 element 61 paragraph 86 lines 14-18, note adjusting the contrast of the luminance signals) ; and b) applying the correction mask to the image data, whereby the image data are changed according to the correction elements (Fig.1 elements 53 and 55 paragraph 86 lines 5-18).

With regard to claim 2, Shiota provides for a process, wherein an image detail removal process is applied to image data (Fig.1 element 57 paragraph 86 lines 12-13) to be corrected for deducing coarse image data which represent a coarse image with less image details than the photographic image (Fig.1 element 13, paragraph 86 lines 1-6), coarse target values are defined for at least one image property of the coarse image

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(Fig.1 element 57 paragraph 86 lines 12-16, note contrast), the coarse target values defining the values which should be adapted by the at least one image property in the image portions of the coarse image(Fig.1 element 57 paragraph 86 lines 12-16, note contrast), and the correction mask is determined based on the coarse target values (Fig.1 element 59, paragraph 86 lines 13-14, note unsharp signals) and the coarse image data such that the correction changes determine a change of the image data to be corrected such that an application of the image detail removal process to the image data corrected by the correction mask (Fig.1 element 55) would result in corrected coarse image data (Fig.1 see signals SB), the values of the at least one image property (paragraph 86 lines 14-15, note contrast) of the corrected coarse image fulfilling the coarse values (Fig.1 element 59, paragraph 86 lines 13-14, note unsharp signals).

As to claim 3 see the rejection of claim 2 above. It recites similar limitations as claim 3. Except for determining at least one further coarse correction mask on the basis of the changed coarse image (Fig.13 element 58 (LPF) and element 76 (LPF)). Hence it is similarly analyzed and rejected.

In regard to claim 4, Shiota provides for a process, wherein the photographic image data describe color values in a color space (Fig.1 element 13, paragraph 86 lines 1-6, note R, G, B), the color values are representable by vectors in this color space, and the correction changes include changes which can be represented by a mathematical operation (Fig.1 element 55) that includes a multiplication of the vectors with a factor (paragraph 89 lines 9-14).

With regard to claim 5, Shiota provides for a process, wherein at least two image properties are given, whereby the correction changes correspond to changes of one of the at least two image properties is carried out depending to which degree the other image properties (paragraphs 91 and 92, note that color reproducibility can be freely controlled by properly determining the coefficients of the MTXs and LUTs in the formula).

As to claim 6. See the rejected claim 5 above. It recites similar limitations as claim 6. Hence it is similarly analyzed and rejected.

In regard to claims 7 and 25 Shiota provides for a process, wherein one of the at least two image properties is the color saturation and the other image property is the brightness, and the changes of the color saturation are carried out as a function of the brightness and/ or as a function of the brightness correction (paragraphs 91 and 92, note that color reproducibility can be freely controlled by properly determining the coefficients of the MTXs and LUTs in the formula, note the degree of saturation of the image signals obtained from the series of image processing is determined by the formula in paragraph 91 and further MTX 53 and 55 adjust the contrast of the luminance signals, Fig.1 element 13, note R,G, B paragraph 86 lines 1-6, by subtraction means 61).

With regard to claims 8 and 26 Shiota provides for a process, wherein one of the at least two image properties is selected from the a first group consisting of the brightness and the contrast (paragraph 119 lines 13-24, note brightness and contrast) and the other image properties selected from a second group consisting of at least one

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of the color tone and the color saturation (note the degree of saturation of the image signals obtained from the series of image processing is determined by the formula in paragraph 91); and the changes to the properties in the first group are carried out as a function of the properties in the second group (paragraph 92).

As to claim 9, see the rejection of claim 2. It recited similar limitation as claim 9. Hence it is similarly analyzed and rejected.

In regard to claim 11, as best understood, Shiota provides for a process, wherein the frequency distribution of the at least one image property is determined (Fig.15 paragraph 241), the frequency distribution describing the frequency of a value in the image as a function of the image property determined by the value, whereby the values quantify the at least one image property in the image elements (paragraph 241, note coefficient A multiplied to glight is set to a large value) and the correction change manipulates the frequency distribution in such a way that is at least closer to a nominal distribution which is assigned to the quantified image property than the unmanipulated frequency distribution or corresponds thereto. (Paragraph 241, note brightness).

With regard to claims 13 and 27, Shiota provides for a process, wherein the at least one image property is brightness (paragraph 241 line 13, note brightness) and/ or color saturation and/ or color values and the target frequency distribution is such that each value of the image property is at least approximately equally frequent at least within a predefined value range or within predefined value ranges (paragraph 240, note the coefficients A and B are set within the ranges).

As to claims 19, 22,23 and 24 see the rejection of claim 1 above. They recite similar limitations as claim 1 above. Hence they are similarly analyzed and rejected.

Allowable Subject Matter

4. Claims 10,12 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat

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Patent Examiner *AB*
Group Art Unit 2625
1/9/05

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PRIMARY EXAMINER